



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 09/925,120 | 08/08/2001 | Millard E. Sweatt III | 03-504 | 5873 |
| 20306 7590 03/17/2009 MCDONNELL BOEHNNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606 | | | | |
| EXAMINER | | | | |
| LEE, PHILIP C | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2452 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 03/17/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/925,120

Applicant(s)

SWEATT ET AL.

Examiner

PHILIP C. LEE

Art Unit

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 15-22, 24-36, 38-41, 52, 53, 55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 15-22, 24-36, 38-41, 52, 53, 55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. This action is responsive to the amendment and remarks filed on December 24, 2008.
2. Claims 13, 15-22, 24-36, 38-41, 52-53 and 55-56 are presented for examination and claims 1-12, 14, 23, 37, 42-51 and 54 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Objection

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “computer readable medium” of claims 52 and 53. For examination purpose, “computer readable medium” is interpreted as “computer readable storage medium” according to paragraph 66 of the specification.

Claim Rejections – 35 USC 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except

that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
7. Claims 13, 17, 19-22, 25, 27-32, 36, 39-40, 52-53 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Susskind, U.S. Patent Application Publication 2001/0046366 (hereinafter Susskind).
8. As per claim 13 and 52, Susskind teaches the invention as claimed for operating a digital video recorder through web-hosted application ([0035] and [0050]), comprising:
 - accessing a first server remote from the digital video recorder to launch the web-hosted application ([0035] and [0050]) (user accessing software on web server remote from VRD), the web-hosted application being capable of communicating with the digital video recorder to extract data therefrom ([0040] and [0042]) (software on the web server capable of communicating with the VRD to obtain changes to the VRD);
 - receiving one or more integrated presentations formed by the web-hosted application and sent by the first server in response to accessing the first server ([0035]) (receiving HTML

pages that provide the interface components to operate the VRD), each of the integrated presentations including the data extracted to replicate a corresponding interface of the digital video recorder ([0042] and [0044]) (HTML page simulate the VRD on screen interface including Recorded program, minute of storage available (state information obtained from the VRD)[0035]);

selecting portions of the interface to initiate one of more commands to operate the digital video recorder ([0035] and [0050]);

wherein the web-hosted application stored the commands in a transaction file ([0050]) (web server stores the record selection in the user account); and

wherein the web-hosted application, in response to a request from the digital video recorder ([0046] and [0047])(in response to ping or update request), transmits the commands to the digital video recorder ([0043]) (transmit change of state on user account on web server to the VRD (state information includes VRD operational control (i.e., commands) [0016]).

9. As per claims 27 and 53, Susskind teaches the invention as claimed for remotely controlling of at least one digital video recorder ([0035] and [0050]), comprising:

maintaining, at a server remote from the digital video recorder, a local representation of pre-existing information and data extracted from a plurality of data sources including the digital video recorder ([0041]) (HTML pages, account settings/values, television program listing, state information from sources (e.g., 10, 13, 25));

forming an integrated presentation by combining the pre-existing information with the

data extracted to replicate a corresponding interface of the at least one digital video recorder ([0035]) (combining HTML with state information from VRD to simulate the VRD on screen interface);

transferring the integrated presentation to a network computing system for display on a client in response to receiving an instruction from the client ([0035]) (providing the HTML interface for display on browser in response to URL from browser);

receiving a command from the client in response to portions of the integrated presentation being selected, the command representing an operation to be performed on the digital video recorder ([0035] and [0050]) (receiving a recording request in response to user selecting on the HTML interface);

updating the local representation with the command ([0050] and [0051]) (command is store in the user account and update is convey to the VRD); and

only after receiving a request from the digital video recorder ([0047]) (receiving a ping/update request from VRD), sending the command to the digital video recorder to perform the operation on the digital video recorder ([0043]) (sending change of state on user account on web server to the VRD (state information includes VRD operational control (i.e., commands) [0016])).

10. As per claim 55, Susskind teaches the invention as claimed comprising:

providing a web-hosted client interface, wherein the web-hosted client interface replicates the interface of at least one digital video recorder ([0035]) (providing HTML page replicating an on-screen interface of VRD);

receiving program guide information ([0035])(receiving program listings);
displaying the program guide information in the web-hosted client interface ([0035])
(display values for program listing function);
receiving, through the web=hosted client interface, a command for the operation of a first
digital video recorder ([0035] and [0050]) (receiving a recording request for the VRD);
storing the command in a first transaction file ([0050])(storing the recording request in
user account);
receiving, from the first digital video recorder, a request for the first transaction file
([0047])(receiving a ping/update request from VRD for change of state in user account);
and
in response to the request, transmitting the first transaction file to the first digital video
recorder ([0043])(sending change of state in user account to VRD (state information
include VRD operational control (i.e., command) [0016]).

11. As per claim 17, Susskind teaches the invention as claimed in claim 13 above. Susskind further teach wherein one of the commands causes the first server to access a second server, the web-hosted application running on the second server ([0035], fig. 2).

12. As per claim 19, Susskind teaches the invention as claimed in claim 13 above. Susskind further teach wherein the integrated presentations are formed by combining the data extracted (state information of VRD) with additional data received by the web-hosted application from one or more sources of data ([0035], [0040] and [0042]).

13. As per claims 20 and 30, Susskind teaches the invention as claimed in claims 19 and 27 above. Susskind further teach wherein the sources of data comprise database and online services (e.g., database 43, third-party commercial server 24 and 25).

14. As per claims 21 and 36, Susskind teaches the invention as claimed in claims 19 and 27 above. Susskind further teach wherein the sources of data comprise broadcast programming guides in an electronic format ([0028] and [0035]).

15. As per claim 22, Susskind teaches the invention as claimed in claim 13 above. Susskind further teach wherein accessing the first server comprises sending an http request over the Internet to the first server ([0035]) (sending URL).

16. As per claims 25 and 40, Susskind teaches the invention as claimed in claims 13 and 27 above. Susskind further teach wherein the data is extracted periodically ([0044] and [0047]) (sending periodic ping/update request for accessing state changes).

17. As per claim 28, Susskind teaches the invention as claimed in claim 27 above. Susskind further teach wherein the network computing system comprises at least one web server communicatively coupled to a network (23, 24, fig. 2), the web server receiving and forwarding the integrated presentation to the client over the network ([0035]).

18. As per claim 29, Susskind teaches the invention as claimed in claim 28 above. Susskind further teach the network comprises the Internet (11, fig. 1).

19. As per claim 31, Susskind teaches the invention as claimed in claim 27 above. Susskind further teach wherein the integrated presentation comprises a virtual representation of a user interface associated with the digital video recorder ([0035]) (HTML page simulate VRD on screen interface).

20. As per claim 32, Susskind teaches the invention as claimed in claim 27 above. Susskind further teach wherein maintaining the local representation comprises storing the pre-existing information and the data on a database ([0035] and [0050]).

21. As per claim 39, Susskind teaches the invention as claimed in claim 27 above. Susskind further teach wherein the client comprises a browser ([0035]).

Claim Rejections – 35 USC 103

22. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind.

23. As per claim 56, Susskind teaches the invention as claimed in claim 55 above. Although Susskind teaches receiving, through the web-hosted client interface, a command for the operation of the first digital video recorder ([0035] and [0050]); storing the command in a transaction file

([0050]); receiving, from the first digital video recorder, a request for the transaction file ([0047]); and in response to the request, transmitting the first transaction file to the first digital video recorder ([0043]), however, Susskind does not explicitly teach the method of claim 55 for a second digital video recorder.

24. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include a second or any number of digital video recorders because by doing so it would allow a user in Susskind's system to obtain, monitor and control status and configuration of digital video recorders, thus the user can perform management operations with a plurality of digital video recorders remotely.

25. Claims 15-16, 18 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind in view of Paroz, U.S. Patent 6,587,125 (hereinafter Paroz).

26. Paroz was cited in the last office action.

27. As per claims 15, 16 and 33, Susskind teaches the invention as claimed in claims 13 and 27 above. Susskind does not specifically detailing object interfaces for operating the digital video recorder. Paroz teaches a similar system wherein the web-hosted application instantiates a plurality of objects for encapsulating functions associated with operating the media device, wherein the objects comprises programmable interfaces for operating the media device (col. 9, lines 12-20; col. 10, lines 17-21).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind and Paroz because Paroz's teaching of objects interfaces would increase the flexibility in Susskind's systems by allowing a user to write programs for interfacing for the operation of different devices.

29. As per claims 18 and 35, Susskind teaches the invention as claimed in claims 13 and 27 above. Susskind does not teach the method of transferring in XML format. Paroz teaches wherein the integrated presentation is transferred in XML format (col. 10, lines 46-49).

30. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind and Paroz because Paroz's teaching of transferring in XML format would increase the field of use in their system.

31. As per claim 34, Susskind and Paroz teach the invention substantially as claimed in claim 33 above. Susskind further teach sending the command to the digital video recorder using the programmable interfaces ([0035] and [0050]).

32. Claims 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind in view of Cao, U.S. Patent 6,782,550 (hereinafter Cao).

33. As per claims 24 and 38, Susskind teaches the invention as claimed in claims 13 and 27

above. Although Susskind teaches a group of interface consisting of login interface (inherently comprised in order for user to enter password to access web server), a Channel Guide, Find Shows, Manual Recording ([0050]), however, Susskind does not specifically teach Replay Guide and Replay Channels. Cao teaches an interface consisting of a Channel Guide, a Replay Guide, Replay Shows, Replay Channels, Find Shows, and Manual Record (Figs. 15A-15F; col.23, line 66-col. 24, line 6; col. 29, line 49-col. 30, line 17; col. 32, line 46-col. 33, line 22; col. 33, lines 37-57; col. 34, lines 10-16).

34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind and Cao because Cao's teaching would enhance the functionalities of the interface in Susskind's system to include additional guides for remote user selection.

35. Claims 26 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susskind in view of Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

36. Venkatraman was cited in the last office action.

37. As per claims 26 and 41, Susskind teaches the invention as claimed in claims 13 and 27 above. Although Susskind teaches wherein the data is interactively accessed ([0051]), however, Susskind does not teach data is extracted on the fly. Venkatraman teach wherein the data is extracted on-the-fly (col. 6, lines 13-14).

38. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Susskind and Venkatraman because Venkatraman's teaching would allow Susskind's system to extract most up-to-date data representing the status of the media device.

39. Applicant's arguments with respect to claims 13, 15-22, 24-36, 38-41, 52-53 and 55-56, filed 12/24/08, have been fully considered but they are not persuasive.

40. In the remarks, applicant argued that:

(1) Susskind fails to teach replicate a corresponding interface.

41. In response to point (1), Examiner interprets the term "replicate" according to the American Heritage College Dictionary as "To duplicate, copy, reproduce, or repeat". According to page 11 of the remarks filed on 12/24/2008, applicant also intend to claim the term "replicate" as "To duplicate, copy, reproduce, or repeat". Thus, the limitation of replicate a corresponding interface is interpreted as to reproduce a corresponding interface. Similarly, Susskind teaches replicate the interface a digital video recorder ([0035]).

42. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Primary Examiner, Art Unit 2452

